

**DEPARTMENT OF JUSTICE REGULATIONS
FOR CHILD ABUSE REPORTS RECORDKEEPING**

ARTICLE 1: REPORT OF CHILD ABUSE

Section 900 - Scope.

The Automated Child Abuse System (ACAS) is the centralized system for collecting reports of suspected child abuse pursuant to Penal Code section 11170. The ACAS is maintained by DOJ as a statewide reference file.

These regulations relate to the policies and practices of DOJ with regard to its Standard Reporting Form; its review and verification procedures for reports submitted ~~by CPAs~~ pursuant to Penal Code section 11169; to its notification procedures in response to reports and its procedures for processing reports submitted by ~~CPAs~~ reporting agencies with different investigative determinations; the scope of information released in response to valid inquiries; procedures for confirmation and notification regarding ACAS inquiries for TrustLine Registry, child care licensing, or adoption and placement of children; and inquiries received from private citizens regarding their own record. These regulations also require that DOJ provide an audit trail of all inquiries resulting in possible matches, and set forth procedures for record sealing orders received from the courts.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 11165.9, 11169 11170, Penal Code.

Section 901 - Definitions.

(a) "Active Investigation" means the activities of an agency in response to a report of known or suspected child abuse. For purposes of reporting information to the Child Abuse Central Index, the activities shall include, at a minimum: assessing the nature and seriousness of the known or suspected abuse; conducting interviews of the victim(s) and any known suspect(s) and witness(es); gathering and preserving evidence; determining whether the incident is substantiated, inconclusive, or unfounded; and preparing a report that will be retained in the files of the investigating agency.

~~(a)~~ (b) "Audit Trail" means a method of tracking inquiries to ACAS to determine the requestor and the response provided. (See § 910)

~~(b)~~ (c) "Automated Child Abuse System" (ACAS) means the current system used by DOJ to electronically store reports of child abuse incidents submitted by ~~CPAs~~ investigating agencies.

(d) “Child” is the same term as defined in Penal Code section 11165.

(e) “Child Abuse” is the same term as defined in Penal Code section 11165.6.

(f) “Confirmation” means the DOJ process of contacting the agency that submitted the report to confirm that the investigative file is still available and is not unfounded.
(See § 908)

~~(f) “CPA” means Child Protective Agency which is the same term as defined in Penal Code section 11165.9.~~

(g) “DOJ” means the Department of Justice.

(h) “General Neglect” is the same term as used in Penal Code section 11165.2.

(i) “Inconclusive report” is the same term as defined in Penal Code section 11165.12(c). This category was originally termed “unsubstantiated report” and was renamed by Chapter 842 of the Statutes of 1997 and became effective January 1, 1998.

(j) “Index” is the same term as used in Penal Code section 11170(a). The Index is currently known as the Automated Child Abuse System (ACAS).

(k) “Investigative File” or “Underlying Investigative File” means original and supplemental investigative documents developed by ~~the CPA~~ an agency during an investigation of a child abuse incident and that resulted in a report to DOJ.

(l) “Possible Match” means DOJ staff has checked a specific name as the result of an inquiry and has, based on the name and other items of personal description (date of birth, social security number, driver’s license number, or address), matched that name to an existing report(s) in ACAS. The match is considered possible because it has not been confirmed absolutely with positive matching processes such as a fingerprint comparison.

(m) “Report” means an entry in ACAS reporting the investigation of a suspected incident of child abuse. All mandatory information as specified in regulation § 903 must be included for the report to be entered into ACAS. (See § 903)

(n) “Severe Neglect” is the same term as used in Penal Code section 11165.2.

(o) “Submitting Agency” means the agency that forwarded the completed report on which an ACAS entry is based.

(p) “Substantiated Report” is the same term as defined in Penal Code section 11165.12(b).

(q) “Suspect” means a person who has been designated as a suspect in a ~~CPA~~ an agency’s child abuse investigation and subsequently reported as such to DOJ.

(r) “TrustLine Registry” means the registry established pursuant to California Education Code section 8172. Effective July 1, 1998, Education Code section 8172 is repealed by Chapter 843 of the Statutes of 1997. The Trustline Registry will be operated by the Department of Social Services (DSS) pursuant to Health & Safety Code section 1596.60. (See § 908(b))

(s) “Unfounded” is the same term as defined in Penal Code section 11165.12(a).

(t) “Unsubstantiated” means a report that is determined by a ~~CPA~~ child abuse investigator not to be unfounded, but in which the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect has occurred. (This category was renamed “inconclusive” by Chapter 842 of the Statutes of 1997 and became effective January 1, 1998).

(u) “Verification” means the process DOJ uses to insure that the data entered into ACAS is accurately entered into ACAS. (See § 904)

(v) “Victim” means a person who has been designated as a victim in a ~~CPA~~ child abuse investigation report and subsequently reported as such to DOJ.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 11165, 11165.2, 11165.6, 11165.9, 11165.12(a), 11165.12(b), 11165.12(c), 11169 and 11170(a), Penal Code; and Section 1596.60, Health and Safety Code.

Section 902 - Purpose of ACAS.

The purpose of ACAS is to serve as the index of investigated reports of suspected child abuse ~~received from California CPAs that is~~ maintained by DOJ pursuant to Penal Code section 11170(a). The ACAS consists only of those reports of child abuse that meet the criteria specified in the Child Abuse and Neglect Reporting Act (Penal Code section 11164, et seq.) and that are complete as specified by these regulations.

The ACAS is a reference file and is used to refer authorized individuals or entities to the underlying child abuse investigative files maintained at the reporting ~~CPA~~ agency. It is the responsibility of authorized individuals or entities to obtain and review the underlying ~~CPA~~ investigative report file and make their own assessment of the merits of the child abuse report. They shall not act solely upon ACAS information.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 11165.9, 11169, 11170(a)(1) and (2), Penal Code.

Section 903 - Standard Reporting Form for Reports of Child Abuse Maintained in ACAS.

(a) The following form shall be the standard reporting form for submitting summary reports of child abuse to DOJ:

TO BE TYPED OR PRINTED - PRESS FIRMLY - DO NOT USE FELT PEN

CHILD ABUSE INVESTIGATION REPORT

To be Completed by Investigating Child Protective Agency
Pursuant to Penal Code Section 11169
(SHADED AREAS MUST BE COMPLETED)

R
C
N

A
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Y

FOR DOJ USE ONLY

INVESTIGATING AGENCY

| | | | |
|--|------------------------------|--|--|
| 1. INVESTIGATING AGENCY (Enter complete name and check type): <input type="checkbox"/> POLICE <input type="checkbox"/> WELFARE <input type="checkbox"/> SHERIFF <input type="checkbox"/> PROBATION | | 2. AGENCY REPORT NO./CASE NAME: | |
| 3. AGENCY ADDRESS: Street City | | 4. AGENCY TELEPHONE: EXT: () | |
| 5. NAME OF INVESTIGATING PARTY: TITLE | | 6. DATE REPORT COMPLETED: MO DA YR | |
| 7. AGENCY CROSS-REPORTED TO: | 8. PERSON CROSS-REPORTED TO: | 9. DATE CROSS-REPORTED: MO DA YR | |
| 10. ACTION TAKEN (check only one box): <input type="checkbox"/> (1) SUBSTANTIATED (Credible evidence of abuse) <input type="checkbox"/> (2) INCONCLUSIVE (Insufficient evidence of abuse, not unfounded) | | 10A. SUPPLEMENTAL INFORMATION (Attach copy of original report) <input type="checkbox"/> (a) INCONCLUSIVE <input type="checkbox"/> (c) ADDITIONAL INFORMATION <input type="checkbox"/> (b) UNFOUNDED (false report, accidental, improbable) | |
| 11. Active investigation conducted per PC 11169(a)? <input type="checkbox"/> Yes <input type="checkbox"/> No* Victim(s) contacted? <input type="checkbox"/> Yes <input type="checkbox"/> No* Suspect(s) contacted? <input type="checkbox"/> Yes <input type="checkbox"/> No* <input type="checkbox"/> No Suspects Witness(es) contacted? <input type="checkbox"/> Yes <input type="checkbox"/> No* <input type="checkbox"/> No witnesses *Explain in comments field A.12. | | | |
| 12. COMMENTS: | | | |

B. INCIDENT INFORMATION

| | | | |
|---|----------------------|--------------------------|-------------------|
| 1. DATE OF INCIDENT: MO DA YR | 2. TIME OF INCIDENT: | 3. LOCATION OF INCIDENT: | |
| 4. NAME OF PARTY REPORTING INCIDENT: TITLE: | | 5. EMPLOYER: | 6. TELEPHONE: () |
| 7. TYPE OF ABUSE (check one or more): <input type="checkbox"/> (1) PHYSICAL <input type="checkbox"/> (2) MENTAL <input type="checkbox"/> (3) SEXUAL <input type="checkbox"/> (4) SEVERE NEGLECT <input type="checkbox"/> (5) GENERAL NEGLECT | | | |
| 8. IF ABUSE OCCURRED IN OUT-OF-HOME CARE, CHECK TYPE <input type="checkbox"/> (1) FAMILY DAY CARE <input type="checkbox"/> (2) CHILD CARE CENTER <input type="checkbox"/> (3) FOSTER FAMILY HOME <input type="checkbox"/> (4) SMALL FAMILY HOME <input type="checkbox"/> (5) GROUP HOME OR INSTITUTION-Enter name and address: | | | |

VICTIMS

| | | | | |
|--------------------------------|----------------|--|---|--------|
| 1. NAME: Last First Middle AKA | D O B MO DA YR | APPROX. AGE: | <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE | RACE * |
| ADDRESS: Street City State | | DID VICTIM'S INJURIES RESULT IN DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| PRESENT LOCATION OF VICTIM: | | TELEPHONE NUMBER: | | |
| | | IS VICTIM DEVELOPMENTALLY DISABLED [4512(a) W&I]? <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| 2. NAME: Last First Middle AKA | D O B MO DA YR | APPROX. AGE: | <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE | RACE * |
| ADDRESS: Street City State | | DID VICTIM'S INJURIES RESULT IN DEATH? <input type="checkbox"/> YES <input type="checkbox"/> NO | | |
| PRESENT LOCATION OF VICTIM: | | TELEPHONE NUMBER: | | |
| | | IS VICTIM DEVELOPMENTALLY DISABLED [4512(a) W&I]? <input type="checkbox"/> YES <input type="checkbox"/> NO | | |

C. INVOLVED PARTIES

SUSPECTS

| | | | | |
|--|----------------|--------------|---|-------------------|
| 1. NAME: Last First Middle AKA | D O B MO DA YR | APPROX. AGE: | <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE | RACE * |
| ADDRESS: Street City State | | HGT | WGT | EYES |
| RELATIONSHIP TO VICTIM: <input type="checkbox"/> (1) PARENT/STEPPARENT <input type="checkbox"/> (2) SIBLING <input type="checkbox"/> (3) OTHER RELATIVE <input type="checkbox"/> (4) FRIEND/ACQUAINTANCE <input type="checkbox"/> (5) STRANGER | | HAIR | SSN: | DRIVER'S LIC. NO. |
| Suspect given written notice per PC 11169(b) MO DA YR <input type="checkbox"/> Yes <input type="checkbox"/> No Date notice given: If notice not given, explain in comments field A.12. | | | | |
| 2. NAME: Last First Middle AKA | D O B MO DA YR | APPROX. AGE: | <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE | RACE * |
| ADDRESS: Street City State | | HGT | WGT | EYES |
| RELATIONSHIP TO VICTIM: <input type="checkbox"/> (1) PARENT/STEPPARENT <input type="checkbox"/> (2) SIBLING <input type="checkbox"/> (3) OTHER RELATIVE <input type="checkbox"/> (4) FRIEND/ACQUAINTANCE <input type="checkbox"/> (5) STRANGER | | HAIR | SSN: | DRIVER'S LIC. NO. |
| Suspect given written notice per PC 11169(b) MO DA YR <input type="checkbox"/> Yes <input type="checkbox"/> No Date notice given: If notice not given, explain in comments field A.12. | | | | |

OTHER

| | | | | | |
|----------------------------|---|----------------|--------------|---|--------|
| 1. NAME: Last First Middle | <input type="checkbox"/> (1) PARENT/STEPPARENT <input type="checkbox"/> (2) SIBLING | D O B MO DA YR | APPROX. AGE: | <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE | RACE * |
| 2. NAME: Last First Middle | <input type="checkbox"/> (1) PARENT/STEPPARENT <input type="checkbox"/> (2) SIBLING | D O B MO DA YR | APPROX. AGE: | <input type="checkbox"/> MALE <input type="checkbox"/> FEMALE | RACE * |

*RACE CODES: W-White, B-Black, H-Hispanic, I-American Indian, F-Filipino, P-Pacific Islander, C-Chinese, J-Japanese, A-Other Asian, Z-Asian Indian, D-Cambodian, G-Guamanian, U-Hawaiian, K-Korean, L-Laotian, S-Samoan, V-Vietnamese, O-Other, X-Unknown

☐ CHECK HERE IF ADDITIONAL SHEET(S) IS ATTACHED.

CHILD ABUSE INVESTIGATION REPORT
DEPARTMENT OF JUSTICE (DOJ) FORM SS 8583
Guidelines for Use and Completion of Form SS 8583

(For Specific Requirements Refer to the Child Abuse Reporting Law, California Penal Code Section 11165 through 11174.5)

For immediate information on potential suspects/victims, please contact the Child Abuse Unit at (916) 227-3285.

Who Must Report

Interagency Reporting

- A child protective agency (CPA—i.e., **Any police and or sheriff's department, county welfare department, or county probation department (if designated by the county to receive mandated reports)**) must report every suspected incident of child abuse it receives to:
 - another CPA in the county **the law enforcement agency having jurisdiction over the case**
 - the agency responsible for investigations under Welfare and Institutions Code Section 300
 - the district attorney's office

DOJ Reporting

- A CPA **an agency** must report every incident of suspected child abuse for which it conducts an active investigation **and determines not to be unfounded** to DOJ on the Form SS 8583.

NOTE: Reports are not accepted from **non-California agencies, other than California CPAs.**

What Incidents Must Not Be Reported

Interagency Reporting

- Incidents specifically exempted under cooperative arrangements with CPAs **other agencies** in your jurisdiction.

DOJ Reporting

- Unfounded reports - Reports which are determined to be false, to be inherently improbable, to involve an accidental injury, or not to constitute child abuse or neglect, as defined in Section 11165.6 PC (Section 11165.12 PC).
- Acts of nonexploitive, consensual sexual behavior between minors under the age of 14 years who are of similar age.
- Acts of negligence by a pregnant woman or other person(s) which adversely effect the well-being of a fetus.
- Past abuse of a child who is an adult at the time of disclosure.
- Child stealing as defined in Sections 277 PC and 278 PC; unless it involves sexual abuse, physical abuse, mental/emotional abuse, and/or severe neglect.
- Reasonable and necessary force by school employees to quell a disturbance threatening physical injury to person or damage to property (Section 11165.4 PC).
- Statutory rape, as defined in Section 261.5 PC, except Section 261.5(d) (Statutes of 1997).
- Mutual fights between minors (Section 11165.6 PC).

What Incidents Must Be Reported

- Abuse of a minor child, i.e., a person under the age of 18 years, involving any one of the below abuse types:

Interagency Reporting

- sexual abuse
 - physical abuse
 - general neglect
 - mental/emotional abuse
 - severe neglect
- (Refer to Section 11165.1 through 11165.6 PC for PC citations and definitions)

DOJ Reporting

- All of the above, excluding general neglect.
- Deaths of minors resulting from abuse or neglect.

When Must the Report be Submitted

Interagency Reporting

- Telephone notification - immediately or as soon as practical.
- Written notification - within 36 hours of receiving information concerning the incident.
- **When an agency takes a report for which it lacks jurisdiction the agency shall immediately refer the case by telephone, fax, or electronic transmission to an agency with proper jurisdiction.**

DOJ Reporting

- A Form SS 8583 must be submitted after an active investigation has been conducted and the incident has been determined not to be unfounded. **DOJ defines "active investigation" as: the activities of an agency in response to a report of known or suspected child abuse. For purposes of reporting information to the Child Abuse Central Index, the activities shall include, at a minimum: assessing the nature and seriousness of the suspected abuse; conducting interviews of the victim(s), and any known suspect(s) and witness(es); gathering and preserving evidence; determining whether the incident is substantiated, inconclusive or unfounded; and preparing a report that will be retained in the files of the investigating agency.**
- NOTE:** No other form will be accepted in lieu of the Form SS 8583.

The suspect(s) must be notified in writing that he/she has been reported to the Child Abuse Central Index per PC Section 11169(b).

What Information is Required

General Instructions

- All information blocks contained on the Form SS 8583 should be completed by the investigating CPA agency. If information is not available, indicate "UNK" in the applicable information block.

Specific Instructions

- INFORMATION BLOCKS ON THE FORM SS 8583 WHICH ARE SHADED GRAY MUST BE COMPLETED. **THE SUBMITTED FORM WILL BE RETURNED TO THE CONTRIBUTOR WITHOUT FURTHER DEPARTMENT OF JUSTICE ACTION IF THE CONTRIBUTOR FAILS TO COMPLETE ANY OF THE FOLLOWING ITEMS:** the agency name and type, the agency's report number or case name; the action taken by the investigating agency; the specific type of abuse; the victim's name, birthdate or approximate age, and gender; and the suspect's name and birthdate or approximate age, and gender. If the suspect is not known, UNKNOWN must be entered. **Verification must be provided that an active investigation was conducted, that victim(s), and any known suspect(s), and witness(es) were contacted. An explanation must be provided if these contacts were not made. Verification must be provided that the suspect was given written notification that he/she has been reported to the Child Abuse Central Index per Section 11169(b) PC. An explanation must be provided if there was no notification.**

Section A, "INVESTIGATING AGENCY", information block 10. "ACTION TAKEN" or 10A. "SUPPLEMENTAL INFORMATION" must be completed in accordance with the following definitions (Check one of the boxes):

| | |
|--|---|
| <p>10. ACTION TAKEN (check only one box):</p> <p><input type="checkbox"/> (1) SUBSTANTIATED (Credible evidence of abuse)</p> <p><input type="checkbox"/> (2) INCONCLUSIVE (Insufficient evidence of abuse, not unfounded)</p> | <p>10A. SUPPLEMENTAL INFORMATION (Attach copy of original report)</p> <p><input type="checkbox"/> (a) INCONCLUSIVE <input type="checkbox"/> (c) ADDITIONAL INFORMATION</p> <p><input type="checkbox"/> (b) UNFOUNDED (false report, accidental, improbable)</p> |
|--|---|

10. ACTION TAKEN

- ① SUBSTANTIATED - Acts determined, based upon some credible evidence, to constitute child abuse or neglect, as defined in Section 11165.6 PC.
- ② INCONCLUSIVE - Acts determined not to be unfounded, but there is insufficient evidence to determine whether child abuse or neglect, as defined in Section 11165.6 PC, has occurred.

10A. SUPPLEMENTAL INFORMATION - Only use this section to update information previously submitted on Form SS 8583.

- Ⓐ INCONCLUSIVE - A previously submitted Form SS 8583 indicated as "SUBSTANTIATED" is being reclassified to "INCONCLUSIVE".
- Ⓑ UNFOUNDED - A previously submitted Form SS 8583 indicated as "SUBSTANTIATED", "UNSUBSTANTIATED" or "INCONCLUSIVE" is being reclassified to "UNFOUNDED".
- Ⓒ ADDITIONAL INFORMATION - Supplementary information is being provided for a previously submitted Form SS 8583.

Where To Send The Report, Form SS 8583
(For DOJ reporting only)

Department of Justice
Bureau of Criminal Information and Analysis
P. O. Box 903387
Sacramento, CA 94203-3870
ATTENTION: Child Abuse Unit

REMEMBER

Submit completed Form SS 8583 to DOJ as soon as possible after completion of the investigation because the case information may contribute to the success of another investigation. It is essential that the report be complete, accurate and timely to provide the maximum benefit in protecting children and identifying and prosecuting suspects. If you have questions about DOJ REPORTING or need a victim or suspect name check, call the DOJ Child Abuse Unit at (916) 227-3285 or CALNET 498-3285.

(b) The “Child Abuse Investigation Report” form SS 8583 is the standard reporting form required to report investigative summaries of suspected incidents of child abuse to ACAS. Reporting ~~CPAs~~ agencies shall submit form SS 8583 to DOJ after an active investigation has been conducted and the incident has been determined not to be unfounded. ~~CPAs~~ Reporting agencies must obtain and use the most recent version of the SS 8583 when submitting the report to DOJ. The most recent version of the SS 8583 must be the basis for any report in an automated format submitted to DOJ.

If a report is submitted on a form pre-dating the current SS 8583, and DOJ receives an inquiry that requires a confirmation of the report, the information on the report originally submitted must comply with the reporting requirements of the current form SS 8583. (See § 908)

All information items on the standard report form SS 8583 should be completed by the investigating ~~CPA~~ agency. Certain information items on the SS 8583 must be completed by the ~~CPA~~ investigating agency in order for it to be considered a “retainable report” by DOJ and entered into ACAS. Reports without these items will be returned to the contributor. These information items are:

- (1) The complete name of the investigating agency and type of agency.
- (2) The agency’s report number or case name.
- (3) The action taken by the investigating agency.
- (4) The specific type of abuse.
- (5) The victim(s) name, birth date or approximate age, and gender.
- (6) Either the suspect(s) name or the notation “unknown”.

(7) Verification (yes, no) that an active investigation was conducted and that the victim(s) were contacted. Verification (yes, no, no suspect) that suspect(s) were contacted and verification (yes, no, no witness) that witness(es) were contacted. An explanation is required if contacts were not made.

(8) Verification (yes, no) that the suspect was given written notice that his/her name will be placed in the Child Abuse Central Index per PC 11169(b). An explanation is required if no written notice was given.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 11165.6, 11165.9, 11165.12, 11166(h)& (i), 11168, 11169(a), 11169(b) and 11170(a)(1), Penal Code.

Section 904 - DOJ Review and Verification of Reports Submitted by CPAs.

All submissions received by DOJ staff are reviewed to determine that they meet the definition of a report in these regulations. DOJ staff verifies only that the information entered into ACAS is consistent with the information as reported by the ~~CPA~~ investigating agency. The DOJ presumes that the substance of the information provided is accurate and does not conduct a separate investigation to verify the accuracy of the ~~CPA's~~ investigation conducted by the submitting agency.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Section 11165.9 and 11170(a)(2), Penal Code.

Section 905 - DOJ Procedures for Notification When ACAS Shows Information Relevant to a Newly Received Report.

When DOJ receives ~~from a CPA~~ a child abuse report containing the name of a victim or suspect that results in a possible match to a prior report in ACAS, DOJ will do the following:

- (a) Notify the reporting ~~CPA~~ agency of a prior report in ACAS in which there is a possible victim or suspect match. The notification will include the following information on the prior report in the Index: the name of the reporting agency; the report number; and the date of the report.
- (b) Notify any ~~CPA~~ agency that submitted a prior report in ACAS that DOJ has received a new report containing a possible victim or suspect match to the report submitted previously by that agency.
- (c) If the new report contains a suspect match to a prior report, notify the ~~CPA~~ agency submitting the prior report that if its report was either unsubstantiated or inconclusive, it must be retained for at least ten (10) years from the date of the new report to DOJ.
- (d) The notifications set forth in (a) through (c) will be made even if the ~~CPA~~ agency submitting the new report is the same ~~CPA~~ agency that submitted the prior report. All notifications will be made as soon as possible, but not later than three (3) working days after the new report is entered into ACAS.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Section 11165.9, 11170(a)(3) and 11170(b)(1), Penal Code.

Section 906 - DOJ Procedures for Processing Reports Submitted by ~~CPAs~~ Agencies With Different Investigative Determinations.

When DOJ receives separate reports from different ~~CPAs~~ agencies on the same incident of child abuse with different investigative determinations, DOJ will make a notation in ACAS of the different determinations. The ~~CPAs~~ agencies reporting the incidents will be notified in writing of the different determinations.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Section 11165.9 and 11170(a)(2), Penal Code.

Section 907- ACAS Information Released in Response to Inquiries.

The information contained in the reports in ACAS is confidential and is disclosed by DOJ staff only to those individuals and entities who are authorized by Penal Code sections 11170 and 11170.5 and any other provisions of law.

These include:

(a) ~~A CPA~~ An agency conducting an active investigation of child abuse, or a district attorney who makes a request, will be provided all information in ACAS pertaining to the specific individual(s) being investigated. ~~A CPA~~ An agency conducting an active investigation of child abuse may request, and be provided, ACAS information prior to completion of the investigation and submission of the report required by Penal Code 11169, if the information is needed for purposes of the current investigation. Such requests for information will receive a response from DOJ within one working day of receipt.

(b) Persons or entities who are making inquiries for child care licensing, adoption, or placement purposes will be provided suspect information. No information on victims will be provided. If there are multiple possible matches only the possible name match that is closest to that of the inquiry will be provided. After matching the suspect's name, other items of personal description will be used to determine the closest possible match.

(c) Prior to July 1, 1998, persons or entities who make inquiries for TrustLine Registry purposes pursuant to Education Code section 8172 will be provided only suspect information from substantiated reports in the Index regarding the person who is the subject of the inquiry. No information on victims will be provided. On July 1, 1998, when the administrative authority for TrustLine transfers to DSS, suspect information from all reports (substantiated and inconclusive) in the Index will be provided to DSS regarding the person who is the subject of the inquiry, pursuant to Health and Safety Code section 1596.877. If there are multiple possible matches only the possible name match that is closest to that of the inquiry will be provided. After matching the suspect's name, other items of personal description will be used to determine the closest possible match.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 11165.9, 11167.5, 11169, 11170, 11170.5 and 11174, Penal Code; Sections 1522.1, 1590.60 and 1596.877, Health and Safety Code; and Section 8172, Education Code.

Section 908 - Procedure for Confirmation of ACAS Information for TrustLine Registry, Child Care Licensing, or Adoption Purposes, for Placement of Children and When a Private Citizen Inquires About His/Her Own Record.

(a) The following form letter on appropriate Department of Justice letterhead will be used to request confirmation of information in the ACAS:

BUREAU OF CRIMINAL INFORMATION
AND ANALYSIS
CHILD ABUSE UNIT
P.O. BOX 903387
SACRAMENTO, CA 94203-3870
Facsimile: (916) 227-3253
(916) 227-3285

[Date]

[Agency Name]
[Address]
[City], [State] [Zip]

ATTN: Child Abuse Investigations

Sample

Request for Confirmation of Child Abuse Information

The attached Child Abuse Investigation Report (SS-8583) was submitted to the Department of Justice (DOJ) by your agency and entered into the Child Abuse Central Index (Index) maintained by DOJ pursuant to Penal Code §11170.

The suspect listed in your report is now undergoing a background check for licensure in a position having care or control over children, placement of a child or to adopt a child. The Index maintained by DOJ serves as a pointer system, referring licensing agencies and the courts to investigative reports retained by local child protective agencies. The licensing agency or court conducting the current background check is required to obtain your investigative report and make its own independent assessment (Penal Code §11170(b)(6)(A)). Therefore, prior to release of information, DOJ must confirm that your investigative report is available and meets current retention standards.

In order to provide timely and accurate referrals regarding the suspect in your report, we request that you immediately provide a response to the attached questions either by fax at (916) 227-3253, or by mail addressed to: Department of Justice, Child Abuse Unit, P. O. Box 903387, Sacramento, California 94203-3870. ***If we do not receive a response to this inquiry within 30 days from the date of this letter, your report will be deleted from the Index and the agency requesting the background check on this applicant will be advised that DOJ is unable to confirm a match to any report on file.***

If you have any questions, please contact _____ of the Child Abuse Unit at (916) 227-_____.

Sincerely,

_____, Manager
Child Protection Program

For _____
Attorney General

Attachment

| | | |
|----------------|------------|------------------|
| [Agency Name] | Sample | RCN: [RCN] |
| RE: [Report #] | | [Date of Report] |
| | REPORT NO. | DATE OF REPORT |

I. Availability of report

Does your agency continue to maintain the investigative records that correspond with this report? (Penal Code §11170(a)(3), provides that reports designated as inconclusive or unsubstantiated must be retained for a minimum of 10 years. There is no provision for deletion of reports designated as substantiated.)

☐ Yes ☐ No (If no, stop here. The report will be deleted from our system.)

Where is the investigative file currently maintained?

☐ Active Files ☐ Closed Files ☐ Microfilm ☐ Archives ☐ Storage ☐ Other: _____

II. Current retention standards

Because the definitions and standards governing submission of reports to the Child Abuse Central Index have changed over the years, DOJ needs to confirm that your report meets current statutory standards.

Was an active investigation conducted in this case? (Penal Code §11169.)

☐ Yes ☐ No (If no, stop here. The report will be deleted from our system.)

Regardless of the original designation given this report, which one of the following current statutory definitions applies to the report:

- ☐ Unfounded [Penal Code §11165.12(a)] - Record will be deleted from our system
- ☐ Substantiated [Penal Code §11165.12(b)]
- ☐ Unsubstantiated/inconclusive [Penal Code §11165.12(c)]
- ☐ None of the above - Please call _____ of the Child Abuse Unit at (916) 227-_____.

III. Suspect personal descriptors

The following suspect personal descriptors may be used to match information regarding an individual seeking to care for a child, whether through licensing, child care employment or child placement. Please complete the checked (✓) suspect information.

| | | |
|--------------------------|---|--|
| Name | : | [Subject Name] |
| Aliases (AKA's) | : | |
| Birthdate | : | [Date of Birth] Or Approximate Age: [Approx. Age] |
| CDL/DMV Identification # | : | [CDL/DMV] SSN: [SSN] |
| Address | : | |

Mail or Fax to:

Address: Department of Justice, Child Abuse Unit, P.O. Box 903387, Sacramento, CA 94203-3870

Fax : (916) 227-3253 or (916) 227-5054

(b) When an inquiry is received for non-criminal investigations, including but not limited to TrustLine Registry, child care licensing, adoption purposes, or placement of children, and the inquiry results in a possible match to a suspect in ACAS, DOJ staff will make written contact with the agency that submitted the report to confirm that the investigative file is still available and that it meets current statutory and regulatory requirements for retention and dissemination. If the agency confirms that the investigative file is still available, meets current statutory and regulatory requirements for retention and dissemination and that the report has not been determined to be unfounded, DOJ staff will release the information to the requesting agency.

If the submitting agency advises DOJ that the report has been determined to be unfounded, that the investigative file no longer exists, or that the investigative file does not meet current statutory and/or regulatory requirements for retention and dissemination, DOJ staff will advise the requesting agency that there is no match to any report on file.

If the submitting agency cannot confirm the availability of the investigative file, whether it has been determined to be unfounded, or does not respond to the written notification within thirty days, DOJ staff will advise the requesting agency that it is unable to confirm a match to any report on file.

If the submitting agency advises DOJ that the report has been determined to be unfounded, that the investigative file no longer exists, that the investigative file does not meet current statutory and/or regulatory requirements for retention and dissemination, or does not respond to the written notification within thirty days, DOJ will delete the ACAS entry and destroy the associated paper records.

(c) When an inquiry is received from a private citizen to determine if he or she is listed in ACAS, and the request is in writing and is notarized as specified in Penal Code section 11170(e), and the inquiry results in a possible match to a suspect or a victim in ACAS, DOJ staff will make written contact with the agency that submitted the report to confirm that the investigative file is still available and that it meets current statutory and regulatory requirements for retention and dissemination. If the agency confirms that the investigative file is still available and that the report has not been determined to be unfounded and that it meets current statutory and regulatory requirements for retention and dissemination, DOJ staff will notify the citizen in writing that he/she is listed in ACAS as a suspect or a victim, and provide the report number, the date of the report and the submitting agency. DOJ staff will also notify the citizen of all non-criminal investigation disseminations of his/her record including the date of the dissemination, the agency submitting the request, and the purpose of the dissemination of his/her record.

If the submitting agency advises DOJ that the investigative file has been determined to be unfounded or no longer exists, DOJ staff will advise the citizen in writing of that fact and he/she will be provided the name of the agency that submitted the report. The citizen will also be advised that DOJ staff will delete the report from ACAS and, after a thirty day period from the date of the written notification, DOJ will destroy any associated paper records.

If the submitting agency cannot confirm the availability of the investigative file or whether it has been determined to be unfounded, DOJ staff will advise the citizen in writing:

(1) That ACAS does have an entry and will provide the name of the reporting agency, the report number and the date of the report;

(2) That DOJ has contacted the reporting agency but the agency cannot confirm the availability of the investigative file;

(3) That the citizen should contact the reporting agency directly if further information is needed, and

(4) That DOJ will delete the entry in ACAS and after a thirty day period from the date of the written notification, DOJ will destroy the report and any associated paper records.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 11165.11, 11167.5(b)(11), ~~and~~ 11170(e), 11170.5, and 11170.6, Penal Code; and Section 1798.25, Civil Code.

Section 909 - Notification in Response to Inquiries to ACAS Pertaining to TrustLine Registry, Child Care Licensing, Adoptions or Placement of Children.

Whenever a possible name match with a suspect is made on an ACAS report in response to inquiries for non-criminal investigations, including but not limited to TrustLine Registry, child care licensing, adoptions or the placement of children and DOJ staff has confirmed that the underlying investigative report is still available and that it meets current statutory and regulatory requirements for retention and dissemination, DOJ will release the possible match information to the inquiring agency. Concurrent with the release to the inquiring agency, DOJ staff will send notification to the individual whose name constitutes the possible match. This notice will advise the individual that the information was provided to the inquiring agency and will include the name of the reporting agency, the date of the report, and the report number.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 11170(b)(5), and 11170(c), Penal Code.

Section 910 - Audit Trail of Information Released From ACAS.

DOJ staff will maintain a log of all inquiries that result in a possible name match to a record maintained in ACAS. The log entry will include the response given. This log will establish ACAS audit trail. A citizen making an inquiry regarding his/her own record will be informed of all non-criminal investigation disseminations of his/her record including the date of the dissemination, the agency submitting the request, and the purpose of the dissemination.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Section 11170(a), Penal Code; and Section 1798.25, Civil Code.

Section 911 - Processing of Record Sealing Orders.

When orders are received from courts ordering the sealing of juvenile records per Welfare and Institutions Code sections 389 and 781, and/or for the sealing of adult records per Penal Code section 851.8, and there is a possible match to a juvenile or adult record in ACAS, the sealing order will be processed consistent with the advice provided by legal counsel.

NOTE: Authority cited: Section 11170(a)(1), Penal Code. Reference: Sections 389 and 781 Welfare and Institutions Code; and Section ~~858.1~~ 851.8, Penal Code.